

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROOSEVELT M. HOGG,

Plaintiff(s),

v.

B. KINCAID, et al.,

Defendant(s).

Case No. 2:14-CV-753 JCM (CWH)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (Doc. # 19). No objections have been filed, and the time for doing so has passed.

Plaintiff Roosevelt M. Hogg submitted a civil rights complaint under 42 U.S.C. § 1983. (Doc. # 1-1). The court entered a screening order finding that plaintiff had failed to state a claim against any defendant. (Doc. # 5). The court granted plaintiff leave to file an amended complaint within thirty days of entry of the screening order and advised him that “failure to file a timely amended complaint in compliance with this order will result in a recommendation that this case be dismissed.” (*Id.*) Plaintiff then filed two motions for extensions of time to file the amended complaint. (Doc. ## 11, 15). The court granted both motions. (Doc. ## 13, 17).

Plaintiff has not filed an amended complaint, and the extended deadline for doing so has passed. Plaintiff has failed to prosecute this matter since filing his motions for extensions, filing only a notice of change of address. (Doc. # 18). Accordingly, Judge Hoffman recommends that plaintiff’s case be dismissed, without prejudice. (Doc. # 19).

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

1           Where a party fails to object, however, the court is not required to conduct “any review at  
2 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149  
3 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
4 magistrate judge’s report and recommendation where no objections have been filed. *See United*  
5 *States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
6 employed by the district court when reviewing a report and recommendation to which no  
7 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)  
8 (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are  
9 not required to review “any issue that is not the subject of an objection.”). Thus, if there is no  
10 objection to a magistrate judge’s recommendation, then this court may accept the recommendation  
11 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a  
12 magistrate judge’s recommendation to which no objection was filed).

13           Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine  
14 whether to adopt the recommendation of the magistrate judge. Upon reviewing the  
15 recommendation and the record in this matter, this court finds that good cause appears to adopt the  
16 magistrate judge’s findings and recommendation in full.

17           IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
18 recommendation of Magistrate Judge Hoffman (doc. # 19) be, and the same hereby are,  
19 ADOPTED in their entirety.

20           IT IS FURTHER ORDERED that plaintiff Roosevelt B. Hogg’s case be dismissed, without  
21 prejudice.

22           The clerk shall enter judgment accordingly and close the case.

23           DATED April 28, 2015.

24             
25           UNITED STATES DISTRICT JUDGE  
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